

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DAWN STEVENSON**

**RESPONDENT,**

**v.  
AQUILA FOREIGN QUALIFICATIONS  
CORP.**

**APPELLANT.**

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DOCKET NUMBER WD72214  
DATE: December 21, 2010

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Appeal From:

Jackson County Circuit Court  
The Honorable Justine E. Del Muro, Judge

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Appellate Judges:

Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

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Attorneys:

Herbert W. McIntosh, Steven L. Hobson and Gary L. Leftridge, Kansas City, MO, for respondent.

Ronald D. Marney, David A. Schatz and Derek T. Teeter, Kansas City, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DAWN STEVENSON,**

**RESPONDENT,**

**v.**

**AQUILA FOREIGN QUALIFICATIONS  
CORP.,**

**APPELLANT.**

No. WD72214

Jackson County

Before Division Three Judges: Alok Ahuja, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

Aquila Foreign Qualifications Corp. appeals from the trial court's judgment denying its motion for set-off and credit. Aquila contends that it was entitled to a set-off pursuant to section 537.060 because Dawn Stevenson reached a settlement in another action for the same injuries for which she obtained a judgment against Aquila.

**AFFIRMED.**

**Division Three holds:**

(1) Section 537.060 codifies a subset of the common law defense of satisfaction. However, by its terms, section 537.060 does not apply unless the predicate condition--multiple tortfeasors being liable for the same injury--is established.

(2) "Same injury" refers to a scenario where the same transaction of facts causes an injury that is "indivisible" with respect to the relative culpability of the multiple tortfeasors contributing to same.

(3) A non-settling tortfeasor who claims a settlement affords a right to reduction under section 537.060 bears the burden of proving it had joint liability with the settling tortfeasor, a burden which is not met by the fact a plaintiff has merely *claimed* joint liability. If joint liability does not legally exist, then section 537.060 does not apply, notwithstanding a plaintiff's assertions attributing responsibility for the same injury to multiple independent tortfeasors.

(4) The common law defense of satisfaction applies to avoid double recovery in scenarios involving independent and successive tortfeasors where a plaintiff claims the right to recover for the same injury from both. However, Aquila failed to meet its burden, as the party asserting the affirmative defense of satisfaction, to posture the case to ensure that the trial court could apply its defense.

**Opinion by: Cynthia L. Martin, Judge**

December 21, 2010

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